

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 22-20563
Hon. Jonathan J.C. Grey

v.

JUAN BAYOLO, M.D.

Defendant.

/

ORDER REGARDING ECF Nos. 144, 145

At a hearing on October 8, 2024, the Court heard argument on numerous motions filed by defendant Juan Bayolo, M.D, including: (1) a Motion Requesting Specific *Kyles*, *Brady*, and *Giglio* Exculpatory and Impeachment Material (“*Brady* motion”) (ECF No. 113); and (2) a Motion in Limine Requesting the Court Exclude Evidence and Testimony Containing Alleged Co-Conspirator Statements as Inadmissible Hearsay and Requesting a Pretrial *Enright* Hearing (“*Enright* motion”) (ECF No. 114).

As the Court ruled on the record at the October 8, 2024 hearing and memorialized in an October 9, 2024 Order (ECF No. 211), the *Brady* motion (ECF No. 113) was granted in part and denied in part (it was

denied except that the government must produce its witness lists four weeks prior to trial), and the *Enright* motion was denied with prejudice as to having a pretrial *Enright* hearing and denied without prejudice as to the right to contest alleged co-conspirator statements as inadmissible hearsay at trial.

In preparing the October 9, 2024 Order, the Court overlooked that Dr. Bayolo had filed supplemental motions with respect to each of the above motions. Specifically, he supplemented the *Brady* motion (ECF No. 113) with a “Second Motion for Discovery” (ECF No. 145), and he supplemented the *Enright* motion (ECF No. 114) with a Motion in Limine Supplemental. (ECF No. 144.)

The Second Motion for Discovery and the Motion in Limine Supplemental are part and parcel of the *Brady* motion and the *Enright* motion, respectively. In other words, they are not independent motions; they are extensions of the original motions. Accordingly, and consistent with its prior rulings on the original motions, the Court **ORDERS** that:

A. The Motion in Limine Supplemental (ECF No. 144) is **DENIED WITH PREJUDICE** as to having a pretrial *Enright* hearing

and **DENIED WITHOUT PREJUDICE** as to the right to contest alleged co-conspirator statements as inadmissible hearsay at trial; and

B. The Second Motion for Discovery (ECF No. 145) is **GRANTED IN PART AND DENIED IN PART** (it is denied except that the government must produce its witness lists four weeks prior to trial).

SO ORDERED.

Dated: April 17, 2025

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 17, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager